EXHIBIT 7

Page 1

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO EASTERN DIVISION

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IN RE: NATIONAL :HON. DAN A. POLSTER

PRESCRIPTION OPIATE

LITIGATION :MDL NO. 2804

:

APPLIES TO ALL CASES :NO.

:1:17-MD-2804

- HIGHLY CONFIDENTIAL -

SUBJECT TO FURTHER CONFIDENTIALITY REVIEW

December 14, 2018

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Videotaped sworn deposition of
COLLEEN McGINN, taken pursuant to
notice, was held at GOLKOW LITIGATION
SERVICES, One Liberty Place, 1650 Market
Street, Philadelphia, Pennsylvania,
beginning at 9:39 a.m., on the above
date, before Margaret M. Reihl, a
Registered Professional Reporter,
Certified Shorthand Reporter, Certified
Realtime Reporter, and Notary Public.

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GOLKOW LITIGATION SERVICES 877.370.3377 ph | 917.591.5672 fax deps@golkow.com

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1	(Document marked for	1	But I want to go through this,
2	identification as McGinn Deposition	2	and this is a letter, I take it, that you had
3	Exhibit No. 9.)	3	seen prior to 2012; is that right?
4	BY MR. CARTMELL:	4	A. It's hard to see where I
5	Q. I'm handing you two copies of	5	assume that I had.
6	Exhibit 9, one for you and one for your counsel.	6	Q. Well, am I right that there are a
7	This is produced from Teva's files in this	7	series of letters that were sent to
8	litigation, and I will represent to you that	8	manufacturers and distributors of
9	this was information that came from your file.	9	opioid-containing products from a man named
10	You'll see from the e-mail on the	10	Joseph Rannizzisi?
11	first page of this document, there's an e-mail	11	A. Yes.
12	from LeighAnn Tulleson dated June 15, 2012 to	12	Q. Okay. And I know that you are
13	you and many others, and the subject is "DEA	13	familiar with Mr. Rannizzisi, correct?
14	Suspicious Order Monitoring Program."	14	A. Yes.
15	Do you see that?	15	Q. You have had dealings with him,
16	A. Yes.	16	pretty extensive dealings with him in the past;
17	Q. It states, "we have scheduled a	17	is that fair?
18	meeting to discuss the DEA suspicious order	18	A. Not personally. I may have
19	monitoring program and its impact to Teva and	19	talked to him once or twice.
20	our customers."	20	Q. At any rate, these letters, the
21	It states, "This launch meeting	21	series of letters that are attached, and I think
22	is critical to the overall understanding of the	22	there's three, are commonly known as the
23	issues and will require each of the parties	23	Rannizzisi letters, correct?
24	listed on this memo to attend."	24	A. I had not called them that. I
	Page 111		Page 113
1	You see that?	1	had not heard that.
2	A. Yes.	2	Q. What do you call them?
3	Q. Okay. So it looks like as of	3	A. Distributor letters.
4	June of 2012, which is not long after you	4	Q. Okay. And I take it that you
5	started at Teva, is that fair, within a year?	5	were familiar with these letters even back at
6	A. Yes.	6	Cephalon, before you started at Teva?
7	Q. There was going to be a launch	7	A. Yes.
8	meeting to discuss the suspicious order	8	Q. Okay. And let's go through this
9	monitoring program?	9	February 7, 2007 letter, you see the date, and
10	A. That's what it looks like.	10	you can see that this is a letter from the Drug
11	Q. Okay. Attached to this e-mail	11	Enforcement Administration out of Washington,
12	that you received is a series of letters from	12	DC.
12 13	that you received is a series of letters from the U.S. Department of Justice Drug Enforcement	12 13	DC. It states, Dear Sir or Madam,
	•		
13	the U.S. Department of Justice Drug Enforcement	13	It states, Dear Sir or Madam,
13 14	the U.S. Department of Justice Drug Enforcement Administration; is that right?	13 14	It states, Dear Sir or Madam, this letter is being sent to every commercial entity in the United States registered with the
13 14 15	the U.S. Department of Justice Drug Enforcement Administration; is that right? A. Yes.	13 14 15	It states, Dear Sir or Madam, this letter is being sent to every commercial
13 14 15 16	the U.S. Department of Justice Drug Enforcement Administration; is that right? A. Yes. Q. And I want to talk to you	13 14 15 16	It states, Dear Sir or Madam, this letter is being sent to every commercial entity in the United States registered with the Drug Enforcement Administration to distribute controlled substances. The purpose of this
13 14 15 16 17	the U.S. Department of Justice Drug Enforcement Administration; is that right? A. Yes. Q. And I want to talk to you specifically about the one that is actually a crummy copy, but it's dated February 7, 2007.	13 14 15 16 17	It states, Dear Sir or Madam, this letter is being sent to every commercial entity in the United States registered with the Drug Enforcement Administration to distribute
13 14 15 16 17 18	the U.S. Department of Justice Drug Enforcement Administration; is that right? A. Yes. Q. And I want to talk to you specifically about the one that is actually a crummy copy, but it's dated February 7, 2007. Do you see that?	13 14 15 16 17 18 19	It states, Dear Sir or Madam, this letter is being sent to every commercial entity in the United States registered with the Drug Enforcement Administration to distribute controlled substances. The purpose of this letter is to reiterate the responsibilities of controlled substance distributors in view of the
13 14 15 16 17 18	the U.S. Department of Justice Drug Enforcement Administration; is that right? A. Yes. Q. And I want to talk to you specifically about the one that is actually a crummy copy, but it's dated February 7, 2007. Do you see that? A. That's a bad copy for sure.	13 14 15 16 17 18 19 20	It states, Dear Sir or Madam, this letter is being sent to every commercial entity in the United States registered with the Drug Enforcement Administration to distribute controlled substances. The purpose of this letter is to reiterate the responsibilities of controlled substance distributors in view of the prescription drug abuse problem in our our
13 14 15 16 17 18 19 20 21	the U.S. Department of Justice Drug Enforcement Administration; is that right? A. Yes. Q. And I want to talk to you specifically about the one that is actually a crummy copy, but it's dated February 7, 2007. Do you see that? A. That's a bad copy for sure. Q. Well, we got this from the files,	13 14 15 16 17 18 19 20 21	It states, Dear Sir or Madam, this letter is being sent to every commercial entity in the United States registered with the Drug Enforcement Administration to distribute controlled substances. The purpose of this letter is to reiterate the responsibilities of controlled substance distributors in view of the prescription drug abuse problem in our our nation currently faces.
13 14 15 16 17 18 19 20 21 22	the U.S. Department of Justice Drug Enforcement Administration; is that right? A. Yes. Q. And I want to talk to you specifically about the one that is actually a crummy copy, but it's dated February 7, 2007. Do you see that? A. That's a bad copy for sure. Q. Well, we got this from the files, and, unfortunately, we were looking for a better	13 14 15 16 17 18 19 20 21 22	It states, Dear Sir or Madam, this letter is being sent to every commercial entity in the United States registered with the Drug Enforcement Administration to distribute controlled substances. The purpose of this letter is to reiterate the responsibilities of controlled substance distributors in view of the prescription drug abuse problem in our our nation currently faces. Do you see that?
13 14 15 16 17 18 19 20 21	the U.S. Department of Justice Drug Enforcement Administration; is that right? A. Yes. Q. And I want to talk to you specifically about the one that is actually a crummy copy, but it's dated February 7, 2007. Do you see that? A. That's a bad copy for sure. Q. Well, we got this from the files,	13 14 15 16 17 18 19 20 21	It states, Dear Sir or Madam, this letter is being sent to every commercial entity in the United States registered with the Drug Enforcement Administration to distribute controlled substances. The purpose of this letter is to reiterate the responsibilities of controlled substance distributors in view of the prescription drug abuse problem in our our nation currently faces.

	Page 114		Page 116
1	that that was the purpose of these letters was	1	manufacture of controlled substances?
2	to put or to reiterate to manufacturers of	2	A. Yes.
3	opioid drugs and other controlled substances and	3	MR. ANDRISANI: Objection, form.
4	distributors of these drugs of their	4	BY MR. CARTMELL:
5	responsibilities related to the law that applies	5	Q. Including opioid-containing
6	to manufacturing and selling controlled	6	products?
7	substances?	7	MR. ANDRISANI: Objection, form.
8	MR. ANDRISANI: Objection, form.	8	THE WITNESS: Yes.
9	THE WITNESS: Yes.	9	BY MR. CARTMELL:
10	BY MR. CARTMELL:	10	Q. The Controlled Substances Act was
11	Q. And it looks like the DEA was	11	designed by Congress to combat diversion by
12	reiterating the law that applied to	12	providing for a closed system of drug
13	manufacturers and distributors of opioids at	13	distribution.
14	this time because there was an emerging	14	What does it mean to be a closed
15	controlled substance prescription drug problem,	15	system?
16	correct?	16	A. The way it's been
17	MR. ANDRISANI: Object to the	17	MR. ANDRISANI: Object to form.
18	form.	18	THE WITNESS: described to us
19	THE WITNESS: I assume that's	19	is that controlled substances would only
20	why.	20	be shipped to DEA registrants.
21	BY MR. CARTMELL:	21	BY MR. CARTMELL:
22	Q. And this was back in 2007, right?	22	Q. And then it says further down,
23	A. Yes.	23	"If the closed system is to function properly as
24	Q. It states, "Background, as each	24	Congress envisioned, distributors must be
	Page 115		Page 117
1	of you is undoubtedly aware, the abuse	1	vigilant in deciding whether a prospective
2	(nonmedical use) of controlled prescription	2	customer can be trusted to deliver controlled
3	drugs is a serious and growing health problem in	3	substances only for lawful purposes. This
4	this country. DEA has an obligation to combat	4	responsibility is critical, as Congress has
5	this problem, as one of the agency's core	5	expressly declared that the illegal distribution
6	functions is to prevent the diversion of		
0		6	
7		6 7	of controlled substances has a substantial and
7	controlled substances into illicit channels."	7	of controlled substances has a substantial and detrimental effect on the health and general
			of controlled substances has a substantial and detrimental effect on the health and general welfare of the American people."
7 8	controlled substances into illicit channels." Do you see that? A. Yes.	7 8	of controlled substances has a substantial and detrimental effect on the health and general
7 8 9 10	controlled substances into illicit channels." Do you see that? A. Yes. Q. What does that mean, "illicit	7 8 9	of controlled substances has a substantial and detrimental effect on the health and general welfare of the American people." Do you see that? A. Yes.
7 8 9	controlled substances into illicit channels." Do you see that? A. Yes. Q. What does that mean, "illicit channels"?	7 8 9 10	of controlled substances has a substantial and detrimental effect on the health and general welfare of the American people." Do you see that? A. Yes. Q. And do you agree with that?
7 8 9 10 11 12	controlled substances into illicit channels." Do you see that? A. Yes. Q. What does that mean, "illicit channels"? MR. ANDRISANI: Object to form.	7 8 9 10 11	of controlled substances has a substantial and detrimental effect on the health and general welfare of the American people." Do you see that? A. Yes.
7 8 9 10 11 12	controlled substances into illicit channels." Do you see that? A. Yes. Q. What does that mean, "illicit channels"? MR. ANDRISANI: Object to form. THE WITNESS: I'm going to assume	7 8 9 10 11 12	of controlled substances has a substantial and detrimental effect on the health and general welfare of the American people." Do you see that? A. Yes. Q. And do you agree with that? MR. ANDRISANI: Objection to
7 8 9 10 11 12 13	controlled substances into illicit channels." Do you see that? A. Yes. Q. What does that mean, "illicit channels"? MR. ANDRISANI: Object to form. THE WITNESS: I'm going to assume that he means that it ends up anywhere	7 8 9 10 11 12 13	of controlled substances has a substantial and detrimental effect on the health and general welfare of the American people." Do you see that? A. Yes. Q. And do you agree with that? MR. ANDRISANI: Objection to form. THE WITNESS: Yes.
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that allows them through their multiple facilities to go ahead and distribute those facilities to go ahead and distribute those for pioids? A. Yes. Okay. And so, for example, if for and local law. Congress also gave DEA for Teva had its license suspended or pulled from free products, then they would no longer be able to for sell those; is that fair? A. Yeah, they would not be able for an A. Yeah, they	ge 120
2 you done? 3 A. I'm done. I'm sorry. 4 Q. We'll talk about the rest of the 5 letter in some detail, but I want to - I was 6 just pointing out that the rest of the letter 7 actually talks about the regulations and the law 8 that applies and that the DEA is enforcing, 9 correct? 10 A. Yes. 11 Q. And one of the things, just so 11 Q. And one of the things, just so 11 Q. And one of the things, just so 12 it's clear for the jury, that is important to 13 know is that companies like Teva, for example, 14 because they sell and manufacture 15 opioid-containing products, they have to 16 register with the DEA to be able to do that; is 17 that right? 18 A. Yes. 19 Q. And is it true that they become 19 known as a registrant, for example, is that 21 referred to? 22 A. Yes. 23 Q. Okay. And that registration, is 24 it true, provides, for example, if 25 facilities to go ahead and distribute those 26 opioids? 27 opioids? 28 A. Yes. 29 Q. Okay. And so, for example, if 29 Teva had its license suspended or pulled from 29 that allows them through their multiple 20 facilities to go ahead and distribute those 21 opioids? 22 read that allows them through their multiple 23 facilities to go ahead and distribute those 24 opioids? 25 Q. Okay. And so, for example, if 26 Teva had its license suspended or pulled from 27 the DEA to sell or manufacture opioid-containing 28 products, then they would no longer be able to 29 sell those; is that fair? 20 A. Yesh, they would not be able 21 to transfer drug anywhere. 21 Q. It states, In addition, 22 distributor's past experience the	
A. I'm done. I'm sorry. Q. We'll talk about the rest of the better in some detail, but I want to -1 was bijust pointing out that the rest of the letter actually talks about the regulations and the law that applies and that the DEA is enforcing, correct? Q. And one of the things, just so it is clear for the jury, that is important to list sclear for the jury, that is interest the distributor for doubting the products, then they would not be able list to transfer drug anywhere. list blut they would not be able list to transfer drug anyw	
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actually talks about the regulations and the law that applies and that the DEA is enforcing, correct? A. Yes. Q. And one of the things, just so it's clear for the jury, that is important to because they sell and manufacture poioid-containing products, they have to register with the DEA to be able to do that; is A. Yes. Q. And so that just means that a manufacture or distributor of opioid-containing products, they have to register with the DEA to be able to do that; is A. Yes. Q. And si it true that they become that registrant, for example, is that referred to? A. Yes. Q. And is it true that they become that they actually have to register with the DEA to seally the products, they have to register with the DEA to seally the products, they have to register with the DEA to seally the products, then through their multiple that allows them through their multiple for the DEA to sell or manufacture opioid-containing products, then they would not be able to A. Yes. Q. Okay. And so, for example, if That allows them through their multiple for the DEA to sell or manufacture opioid-containing products, then they would not be able to sell those; is that fair? A. Yes. Q. Okay. And so, for example, if Teva had its license suspended or pulled from the DEA to sell or manufacture opioid-containing products, then they would not be able to really the products, then they would not be able to transfer drug anywhere. Q. If you go to the second page in the third paragraph it states, the statutory factors DEA must consider in deciding whether to the distributor for want to focus on the products and other controlled substances into other than in indical, scientific and industrial chann manufacture or distributor and other controlled substances into other than le medical, scientific and industrial chann manufacture or distributors of opioid-controlled substances into other than le manufacture or distributor of opioid-controlled substances into other than lead they are that they actually have to manufacture or distributor of	
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9 correct? 10 A. Yes. 11 Q. And one of the things, just so 11 Q. And so that just means that c 12 it's clear for the jury, that is important to 13 know is that companies like Teva, for example, 14 because they sell and manufacture 15 opioid-containing products, they have to 16 register with the DEA to be able to do that; is 17 that right? 18 A. Yes. 19 Q. And is it true that they become 20 known as a registrant, for example, is that 21 referred to? 22 A. Yes. 23 Q. Okay. And that registration, is 24 it true, provides, for example, Teva a license Page 119 Pag	-
10 A. Yes. 11 Q. And one of the things, just so 11 Q. And so that just means that to 12 it's clear for the jury, that is important to 13 know is that companies like Teva, for example, 14 because they sell and manufacture 15 opioid-containing products, they have to 16 register with the DEA to be able to do that; is 17 that right? 18 A. Yes. 19 Q. And is it true that they become 20 known as a registrant, for example, is that 21 referred to? 22 A. Yes. 23 Q. Okay. And that registration, is 24 it true, provides, for example, Teva a license 25 facilities to go ahead and distribute those 26 go of dead and distribute those 27 and its license suspended or pulled from 28 products, then they would not be able 29 cell those; is that fair? 20 A. Yes. 21 Q. Okay. And so, for example, if 22 facilities to go ahead and distribute those 23 Q. Okay. And so, for example, if 24 A. Yes. 25 Q. Okay. And so, for example, if 26 Teva had its license suspended or pulled from 27 the DEA to sell or manufacture opioid-containing 28 products, then they would no longer be able to 29 sell those; is that fair? 20 A. Yeah, they would not be able 21 to -not just sell but they would not be able 22 to transfer drug anywhere. 23 Q. If you go to the second page in 24 the third paragraph it states, the statutory 25 factors DEA must consider in deciding whether to 26 like and on the distributor of opioid-containing air the third paragraph it states, the statutory 26 factors DEA must consider in deciding whether to	
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17 contained in 21 U.S.C. 823(e). 17 talking specifically about something call	
Do you see that? 18 suspicious orders of controlled substance	S.
19 A. Yes. 19 Do you see that?	
20 Q. So when you talk about statutes 20 A. Yes. 21 and all that, that's legal mumbo-jumbo, that's 21 Q. Tell us what suspicious orders	-c
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MR. ANDRISANI: Objection, form. 23 A. Would you like me to read wh THE WITNESS: U.S. Code. 24 the regulation states.	at
24 the regulation states.	

Page 122 Page 124 example, we want 4,000 pills, is it -- does it 1 O. I'll withdraw the question, and 1 2 2 I'll read it, okay. happen that way? Do they ask by the pill? 3 Let's go through this section, 3 A. They don't call me to place an 4 4 and I'm going to follow up and ask you some order, so I don't know exactly how they do it, 5 5 but I assume it's by carton or bottle or NDC. I questions. 6 "The DEA regulations require all 6 don't know. 7 7 distributors to report suspicious orders of Q. Okay. But you're actually 8 controlled substances. Specifically, the responsible as the DEA director at Teva for the 8 9 regulations state the registrant shall design 9 suspicious order monitoring program, aren't you? 10 and operate a system to disclose to the 10 A. I don't physically go and review 11 registrant suspicious orders of controlled 11 orders. I am responsible -- ultimately 12 substances. The registrant shall inform the 12 responsible for it, but I don't actually process 13 Field Division Office of the Administration in 13 the orders or investigate them. his area of suspicious orders when discovered by 14 Q. Okay. So a customer might 14 15 the registrant. Suspicious orders include 15 contact Teva and say we want cartons -- X number 16 orders of unusual size, order deviating 16 of cartons of opioids or bottles of opioids, 17 something like that, fair? 17 substantially from a normal pattern and orders 18 of unusual frequency." 18 A. Yes. 19 Do you see that? 19 MR. ANDRISANI: Objection, form. 20 A. Yes. 20 BY MR. CARTMELL: 21 Q. Okay. So let me see if I can 21 Q. And this is saying that Teva, as 22 interpret that for the jury. 22 a company, has to monitor those orders from its 23 Does that mean that, for example, 23 customers and make sure they're not suspicious, 24 24 Teva at all times when they are licensed and right? Page 123 Page 125 1 1 MR. ANDRISANI: Objection, form. selling, for example, opioid-containing 2 products, they have to have what's called a 2 THE WITNESS: Yes. 3 3 suspicious ordering monitoring program in place? BY MR. CARTMELL: 4 MR. ANDRISANI: Objection, form. 4 Q. And if Teva finds that these 5 THE WITNESS: If they are selling 5 orders from its customers who are buying these 6 commercial product, yes. 6 opioids are suspicious, then this says that 7 BY MR. CARTMELL: 7 those orders have to be actually reported to the 8 8 Q. Okay. And so the DEA requires DEA, correct? 9 and the law requires, according to the 9 MR. ANDRISANI: Objection, form. 10 10 regulations, that if Teva, for example, is going THE WITNESS: Correct. 11 to sell these opioids, that they have to put a 11 BY MR. CARTMELL: 12 program in place that is going to effectively 12 Q. And if there are suspicious 13 identify suspicious orders of opioids, correct? 13 orders from customers to Teva, actually, Teva is 14 MR. ANDRISANI: Objection to 14 not supposed to go and ship those bottles or 15 form. 15 crates of opioids to the customer, right? 16 THE WITNESS: Yes. 16 MR. ANDRISANI: Objection, form. 17 BY MR. CARTMELL: 17 THE WITNESS: Yes. 18 Q. In other words, if Teva has 18 BY MR. CARTMELL: 19 customers, and I take it that they do, who 19 Q. And this process called 20 contact Teva and they say, "we want to buy or 20 suspicious order monitoring is part of the law 21 purchase some of your opioid-containing 21 that says Teva has to have effective safeguards products," that's happens, doesn't it? 22 22 in place to prevent diversion of these opioids 23 23 or controlled substances, right? A. Yes. MR. ANDRISANI: Objection, form. 24 And the customer says, for 24

Page 126 Page 128 1 1 THE WITNESS: Yes. suspicious, we have an obligation not to 2 BY MR. CARTMELL: 2 3 Q. Okay. Now, Teva also has, as a 3 BY MR. CARTMELL: 4 part of this law and these regulations from the 4 Q. You have an obligation not to DEA, also has the responsibility to make sure 5 5 ship, but when this talks about due diligence, 6 that they investigate if they find suspicious 6 you also have an obligation to investigate, 7 orders from their customers for opioids; is that 7 right? 8 8 MR. ANDRISANI: Objection, form. right? 9 MR. ANDRISANI: Objection, form. 9 THE WITNESS: We investigate any 10 THE WITNESS: We investigate 10 order that's pended in the system, and 11 orders of interest and report suspicious 11 then if we do our due diligence on that 12 orders. We have that obligation. and we determine that it's a suspicious 12 13 13 order, then we have to report it. BY MR. CARTMELL: BY MR. CARTMELL: 14 O. That's the duty of Teva to do 14 15 15 Q. So would you agree with me that that, correct? 16 16 it's the responsibility of manufacturers and A. Yes. 17 17 distributors of opioids, including Teva, and MR. ANDRISANI: Objection to 18 18 when you were at Cephalon as well, that if they form. 19 BY MR. CARTMELL: 19 have potentially suspicious order, their duty 20 Q. And if you go down it states, "It 20 and responsibility is to investigate that order? bears emphasis that the foregoing reporting 21 21 A. Yes. 22 requirement is in addition to, and not in lieu 22 Q. Okay. And if the company fails 23 of, the general requirement under 21 U.S.C. 23 to investigate those potentially suspicious 24 823(e) that a distributor maintain effective orders, then they have breached their duty and 24 Page 127 Page 129 controls against diversion." 1 1 responsibility, correct? 2 Do you see that? 2 MR. ANDRISANI: Objection, form. 3 3 Yes. THE WITNESS: Yes. A. 4 "Thus, in addition to reporting 4 Q. BY MR. CARTMELL: 5 5 all suspicious orders, a distributor has a O. And if Teva, for instance, has a 6 6 statutory responsibility to exercise due suspicious order monitoring system or fails to 7 7 have one that is effective and is actually diligence to avoid filling suspicious orders 8 8 identifying suspicious orders and they're not that might be diverted into other than 9 legitimate medical, scientific and industrial 9 investigating those properly, then they will 10 10 have breached their duty and responsibility, channels." 11 11 Do you see that? correct? 12 MR. ANDRISANI: Objection, form. 12 A. Yes. 13 THE WITNESS: We have an 13 Q. Okay. Let's talk about that due diligence. If I'm reading this correctly, and 14 obligation to make sure that we have an 14 15 correct me if I'm wrong, the DEA is saying that 15 effective system in place. 16 Teva, for example, when selling and 16 BY MR. CARTMELL: Q. I understand that. My question 17 17 manufacturing opioids, when they get suspicious 18 is a little bit different. 18 orders, they can't just fill those orders, they 19 actually have to investigate and do due 19 If, in fact, Teva, for instance, 20 has a suspicious order monitoring system that is 20 diligence to determine or make sure that those 21 not effective and it isn't adequately opioid pills are not going to be diverted to 21 22 identifying suspicious orders, and it's not --22 illegal and illicit places, correct? MR. ANDRISANI: Objection, form. 23 and those orders are not adequately being 23 24 investigated by the company, then Teva would THE WITNESS: If it's deemed 24

Page 130 Page 132 1 have breached its duties and responsibilities, 1 deaths with rising prescriptions, and it's true according to the DEA regulations, correct? 2 2 that the law we just talked about and that the 3 MR. ANDRISANI: Objection, form. 3 DEA in its letter of 2007 was reiterating is 4 THE WITNESS: I just want to say 4 that at all times, for example, from 2000 until 5 5 that the suspicious order monitoring has 2012 that law requiring Teva, for example, to 6 been a moving target, and what was 6 have effective -- effective systems in place to 7 7 effective in one year -- considered prevent diversion, that was in effect, correct? 8 8 MR. ANDRISANI: Objection, form. effective in one year may not have been 9 considered effective in another year. 9 THE WITNESS: Yes. 10 So, you know, we try to monitor DEA 10 BY MR. CARTMELL: 11 11 action to see where they're headed with In other words, the law that 12 it, because they're basically 12 we're talking about was in effect in 2000 and 13 13 2001, all the way up to 2008, 2009, all the way promulgating rules without writing to 2012, and it's still in effect today? 14 regulations, updating regulations, so we 14 15 try to monitor that. What I'm saying is 15 A. Yes. 16 it depends on the time that you were 16 MR. ANDRISANI: Objection, form. 17 looking at the system in determining 17 BY MR. CARTMELL: 18 whether it was effective or not. But at Q. And so at all times, even back in 18 19 the time, it should have been effective 19 2004, 2003, any times from 2000 on, Teva had 20 with the information that we knew at the 20 that duty to have in effect a suspicious order 21 21 time. monitoring program, correct? 22 BY MR. CARTMELL: 22 MR. ANDRISANI: Objection, form. 23 Q. I appreciate that. I'm going to 23 THE WITNESS: Yes. 24 object and move to strike, and I'm going to ask 24 BY MR. CARTMELL: Page 131 Page 133 1 1 you again and see if I can get an answer to that Q. And Teva had the duty during that 2 question. 2 period of time all the way back to 2004 or 3 3 A. Okay. whenever it was they started selling controlled 4 Q. And we'll talk about that in more 4 substances, they needed to have effective 5 5 detail, but, Ms. McGinn, if, in fact, Teva had a systems, including a suspicious order monitoring б 6 suspicious order monitoring program that was program, in place that would prevent diversion 7 ineffective and not adequately identifying 7 of opioids, correct? 8 suspicious orders and those orders that were 8 MR. ANDRISANI: Objection, form. 9 pended, when they did identify suspicious 9 THE WITNESS: Yes. 10 orders, were not being adequately investigated, 10 BY MR. CARTMELL: 11 then Teva, according to the regulations of the 11 Q. Okay. In other words, Teva 12 DEA, would have breached its duty and 12 couldn't start that program in 2010 or 2012, and 13 responsibility, fair? 13 if they did that, they would have breached their 14 MR. ANDRISANI: Objection, form. duties and responsibilities to do that prior to 14 15 THE WITNESS: Yes. 15 that time, fair? 16 BY MR. CARTMELL: 16 MR. ANDRISANI: Objection, form. 17 Q. Go ahead. 17 THE WITNESS: Yes. 18 A. Yes. 18 BY MR. CARTMELL: 19 Q. I want to go back to Exhibit 7, 19 Q. And would you agree with me, 20 if you would, and I just want to ask you a 20 Ms. McGinn, that if Teva did not monitor 21 question, and I think this gives us a good way 21 effectively for suspicious orders or in a 22 to demonstrate for the jury what I'm asking 22 responsible way and that actually contributed to 23 about. 23 the epidemic, then Teva would be responsible for 24 Now, this graph shows rising 24 that?

	Page 134		Page 136
1	MR. ANDRISANI: Objection, form.	1	THE VIDEOGRAPHER: Going off the
2	THE WITNESS: If Teva was	2	record at 11:52 a.m.
3	responsible for that, it certainly was	3	(Luncheon recess.)
4	never intentional.	4	THE VIDEOGRAPHER: We are back on
5	BY MR. CARTMELL:	5	the record at 12:38.
6	Q. I understand that. My question	6	BY MR. CARTMELL:
7	is a little different, though, and I'm not	7	Q. Ms. McGinn, we're back on the
8	trying to put words in your mouth either, but	8	record after a lunch break. Are you ready to
9	would you agree with me that if Teva, in the	9	proceed?
10	past, has not had effective systems in place to	10	A. I am, thank you.
11	prevent diversion, including a suspicious order	11	Q. Did you have a nice lunch?
12	monitoring program for suspicious orders of	12	A. I've had better, but I've had
13	opioids, if that system has not been effectively	13	worse too so we're okay.
14	in place and has not been diverting opioids,	14	Q. Okay, good.
15	that could contribute to the epidemic, correct?	15	Well, before we broke for lunch,
16	MR. ANDRISANI: Objection, form.	16	we were talking about, you'll recall, Exhibit 9,
17	THE WITNESS: In some way, yeah.	17	which is the Rannizzisi letter that was sent
18	I mean, we were just one part of the	18	from the Drug Enforcement Administration to,
19	supply chain. There were many other	19	among others, manufacturers and distributors of
20	steps in the process before it got to a	20	opioids.
21	patient for a death.	21	You recall our conversation in
22	BY MR. CARTMELL:	22	that regard?
23	Q. And I'm not trying to say that	23	A. Yes.
24	Teva would be solely responsible for that, but	24	Q. Okay. And I don't think I made
	Page 135		Page 137
1	if Teva didn't follow the DEA regulations and	1	this point, but I want to, and I don't mean to
2	have effective systems in place to prevent	2	put words in your mouth, but is it true that
3	diversion, they could be a contributor or would	3	these laws that require opioid manufacturers and
4	be a contributor to the epidemic, correct?	4	distributors to have safeguards that are
5	MR. ANDRISANI: Objection, form.	5	effective in place to prevent diversion of those
6	THE WITNESS: In some way, yes.	6	drugs, those laws are for safety purposes,
7	BY MR. CARTMELL:	7	correct?
8	Q. Okay. And the same is true with	8	MR. ANDRISANI: Objection, form.
9	other manufacturers of opioids and distributors	9	THE WITNESS: I'm sure that's one
10	of opioids; they too could be contributors if	10	aspect.
11	they didn't do a good job and have appropriate	11	BY MR. CARTMELL:
12	systems in place to prevent diversion of	12	Q. In other words, safety of
13	opioids, correct?	13	individuals so that the drugs aren't diverted to
14	MR. ANDRISANI: Objection, form.	14	people who could abuse them or not even abuse
15	THE WITNESS: Yes.	15	them and have overdoses and hospitalizations and
16	BY MR. CARTMELL:	16	deaths, things like that, fair?
17	Q. Okay. And if, in fact, that's	17	MR. ANDRISANI: Objection to
18 19	the case, then, for example, would you believe, in your opinion, that Teva would be partly	18	form.
20	responsible for the epidemic?	19	THE WITNESS: It's there for
21	MR. ANDRISANI: Objection, form.	20	legitimate medical need.
22	THE WITNESS: In some part, yes.	21	BY MR. CARTMELL:
		22	Q. Okay. All right. Now, in
		22	•
23 24	MR. CARTMELL: Let's take a break.	23 24	preparation for your deposition today, did you read the deposition of Mr. Tomkiewicz?

	Page 174		Page 176
1	didn't know whether or not that meant compliant	1	the DEA has said, is to get to know your
2	with DEA regulations?	2	customers, correct?
3	MR. ANDRISANI: Objection, asked	3	MR. ANDRISANI: Objection, form.
4	and answered.	4	THE WITNESS: Yes.
5	THE WITNESS: What I'm saying is	5	BY MR. CARTMELL:
6	I'm not sure what the person who wrote	6	Q. And do investigation on your
7	this intended that to say.	7	customers to see if possibly they're involved in
8	BY MR. CARTMELL:	8	suspicious activity related to controlled
9	Q. Okay. At any rate, whoever wrote	9	substances, correct?
10	this intended to say that the suspicious order	10	MR. ANDRISANI: Objection, form.
11	monitoring program and the Know your Customer	11	THE WITNESS: Yes.
12	program were putting the company at risk related	12	BY MR. CARTMELL:
13	to DEA sanctions, and that needed to be the	13	Q. And what this document says is
14	company's highest priority to make improvements	14	that at this time, Teva was not compliant in
15	and close the gaps, correct?	15	that regard, correct?
16	MR. ANDRISANI: Objection, form.	16	MR. ANDRISANI: Objection.
17	It misstates what's on the paper.	17	THE WITNESS: That's what it says
18	BY MR. CARTMELL:	18	here.
19	Q. Go ahead.	19	BY MR. CARTMELL:
20	A. It says that it was a risk and we	20	Q. I want to ask you strike that.
21	should give it high priority.	21	And then if you go through the
22	Q. Okay. Below it says, "DEA will	22	next several pages, there is information put
23	use its authority to revoke and suspend	23	together that summarizes, for example, the law
24	registrations in appropriate cases."	24	that we already went through from the DEA
	Page 175		Page 177
1	37 41 40		
	You see that?	1	letter, correct?
2	A. Yes.	1 2	letter, correct? A. Yes.
	A. Yes.Q. Does that help you to understand		A. Yes. Q. And it you had gathered
2	A. Yes. Q. Does that help you to understand where it says under number 2 Know your Customer	2	A. Yes. Q. And it you had gathered information on what the best practices were for
2	A. Yes. Q. Does that help you to understand where it says under number 2 Know your Customer program if they were talking about not being	2 3	A. Yes. Q. And it you had gathered information on what the best practices were for a suspicious order monitoring program, correct?
2 3 4	A. Yes. Q. Does that help you to understand where it says under number 2 Know your Customer	2 3 4	A. Yes. Q. And it you had gathered information on what the best practices were for
2 3 4 5	A. Yes. Q. Does that help you to understand where it says under number 2 Know your Customer program if they were talking about not being	2 3 4 5	A. Yes. Q. And it you had gathered information on what the best practices were for a suspicious order monitoring program, correct? MR. ANDRISANI: Objection as to form with respect to her preparing this.
2 3 4 5 6	A. Yes. Q. Does that help you to understand where it says under number 2 Know your Customer program if they were talking about not being compliant with the DEA?	2 3 4 5 6	A. Yes. Q. And it you had gathered information on what the best practices were for a suspicious order monitoring program, correct? MR. ANDRISANI: Objection as to
2 3 4 5 6 7	A. Yes. Q. Does that help you to understand where it says under number 2 Know your Customer program if they were talking about not being compliant with the DEA? A. I would assume that that's what	2 3 4 5 6 7	A. Yes. Q. And it you had gathered information on what the best practices were for a suspicious order monitoring program, correct? MR. ANDRISANI: Objection as to form with respect to her preparing this.
2 3 4 5 6 7 8	A. Yes. Q. Does that help you to understand where it says under number 2 Know your Customer program if they were talking about not being compliant with the DEA? A. I would assume that that's what they were referencing.	2 3 4 5 6 7 8	A. Yes. Q. And it you had gathered information on what the best practices were for a suspicious order monitoring program, correct? MR. ANDRISANI: Objection as to form with respect to her preparing this. THE WITNESS: This document does
2 3 4 5 6 7 8	A. Yes. Q. Does that help you to understand where it says under number 2 Know your Customer program if they were talking about not being compliant with the DEA? A. I would assume that that's what they were referencing. Q. Okay. Know your Customer	2 3 4 5 6 7 8	A. Yes. Q. And it you had gathered information on what the best practices were for a suspicious order monitoring program, correct? MR. ANDRISANI: Objection as to form with respect to her preparing this. THE WITNESS: This document does contain information about other
2 3 4 5 6 7 8 9	A. Yes. Q. Does that help you to understand where it says under number 2 Know your Customer program if they were talking about not being compliant with the DEA? A. I would assume that that's what they were referencing. Q. Okay. Know your Customer program, tell the jury what that is? A. It's looking into your customers, knowing the background, the officers. It's due	2 3 4 5 6 7 8 9	A. Yes. Q. And it you had gathered information on what the best practices were for a suspicious order monitoring program, correct? MR. ANDRISANI: Objection as to form with respect to her preparing this. THE WITNESS: This document does contain information about other companies.
2 3 4 5 6 7 8 9 10	A. Yes. Q. Does that help you to understand where it says under number 2 Know your Customer program if they were talking about not being compliant with the DEA? A. I would assume that that's what they were referencing. Q. Okay. Know your Customer program, tell the jury what that is? A. It's looking into your customers,	2 3 4 5 6 7 8 9 10 11	A. Yes. Q. And it you had gathered information on what the best practices were for a suspicious order monitoring program, correct? MR. ANDRISANI: Objection as to form with respect to her preparing this. THE WITNESS: This document does contain information about other companies. BY MR. CARTMELL:
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Yes. Q. Does that help you to understand where it says under number 2 Know your Customer program if they were talking about not being compliant with the DEA? A. I would assume that that's what they were referencing. Q. Okay. Know your Customer program, tell the jury what that is? A. It's looking into your customers, knowing the background, the officers. It's due diligence on your customer. Q. And we saw the phrase due diligence in the law from Mr. Rannizzisi in his letter, correct? A. I think so. Q. And so the law requires for manufacturers and sellers of opioids like Teva that if they have potentially suspicious orders,	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Yes. Q. And it you had gathered information on what the best practices were for a suspicious order monitoring program, correct? MR. ANDRISANI: Objection as to form with respect to her preparing this. THE WITNESS: This document does contain information about other companies. BY MR. CARTMELL: Q. I'll restate it to hopefully take care of the objection. And then the attachment pages also include information that you or somebody gathered about what the best practices are related to having a suspicious order monitoring program, correct? A. It looks like information that was available. I don't I have to look through it to see if it's best practices
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	Page 386		Page 388
1	acquisition. He came with Actavis.	1	Q. And you say he has lost his mind.
2	Q. Okay. But, originally, before	2	What does that mean he has lost his mind?
3	joining Actavis, he was with Purdue?	3	A. I don't remember why I said that.
4	A. I believe so.	4	I just thought it was a very one-sided view and
5	Q. Okay. And you write here	5	that he basically blamed everything on the
6	regarding 60 Minutes do you recall watching a	6	pharmaceutical industry.
7	60 Minutes segment on opioids?	7	Q. Okay. And then Mr. Zerillo
8	A. I do.	8	responds back, "LOL," is that lots of laughing,
9	Q. Okay. And can you briefly	9	is that what that stands for?
10	describe for me what the segment was that you	10	A. You'd have to ask him, but I
11	saw on 60 Minutes?	11	assume so.
12	A. It was if I remember	12	Q. And it says, "Joe just made a lot
13	correctly, it was a interview with Joe	13	of friends?"
14	Rannizzisi talking about suspicious orders or	14	Right?
15	the opioid epidemic in general.	15	A. Yes.
16	Q. And we heard about Mr. Rannizzisi	16	Q. And you respond to him, "Right?
17	earlier. He had written those letters back in	17	I guess he's not interested in working for
18	2006 and '07, correct?	18	industry."
19	A. Yes.	19	Correct?
20	Q. And you had those letters back	20	A. Yes.
21	around that time frame, right?	21	Q. What do you mean he's not
22	A. Yes.	22	interested in working for industry?
23	Q. And you write here to	23	A. That he would not be able to work
24	Mr. Zerillo, "Did you see this last night? My	24	for a pharmaceutical company.
			Total primition and to impunity.
	Page 387		Page 389
1	first thought was that Joe Rannizzisi has lost	1	Q. But he works for the DEA. Why
1 2	first thought was that Joe Rannizzisi has lost his mind and the second was that it was a very	1 2	Q. But he works for the DEA. Why would he work
			· · · · · · · · · · · · · · · · · · ·
2	his mind and the second was that it was a very	2	would he work
2	his mind and the second was that it was a very one-sided story."	2 3	would he work A. He wasn't
2 3 4	his mind and the second was that it was a very one-sided story." Is that correct?	2 3 4	would he work A. He wasn't Q for a pharmaceutical company?
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